

REMARKS

Applicant has carefully studied the Office Action of June 3, 2005 and offers the following remarks in response thereto.

Applicant appreciates the withdrawal of the finality of the previous Office Action and further appreciates the indication of allowable subject matter. However, as the Patent Office has not shown where the requests or queries for traffic information are located in the references of record, Applicant does not amend the claims at this time.

Claims 1, 2, 4, 6-11, 17-24, 26-37, 41, and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nimura et al. (hereinafter "Nimura"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where in the reference each and every claim element is located. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The Patent Office has not shown where there is a request or query for traffic information as recited in the claims.

The Patent Office analyzes all the claims together and states "Nimura further uses cellular technology to query a traffic information database (remote ATSI; col. 6:8-17 at least). . ." This statement and citation is not tied to any specific claim or specific claim element recited in one of the claims. Applicant proceeds as if the Patent Office had explicitly equated the alleged query to the "requesting, through a mobile terminal, traffic information. . ." or "receive a traffic information query from a user's cellular telephone" recited in the claims. While Nimura, col. 6, lines 8-17 mentions a cellular telephone, the cited passage does not teach an explicit query as alleged by the Patent Office, a query as recited in the claims, or a request as recited in the claims. Specifically, Nimura col. 6, lines 8-17 states in full:

Similarly, the beacon receiver unit 26 receives beacon signals from a data providing system such as VICS (Vehicle Information and Communication System) or the like, and the received data and the corrected data of GPS are output to the I/O data bus 28. The data transmitter/receiver unit 27 exchanges a variety of information related to the present position or the road conditions near the car relative to the bi-directional present position information offering system or the ATIS (advanced traffic information service), etc., by . . .

Thus, the passage indicates that the data transmitter/receiver unit 27 exchanges information. Nowhere is there an explicit indication that there is a "request" or "query" as recited in the claims. If the Patent Office disagrees, Applicant requests that the Patent Office identify with particularity what part of this passage is being construed to be a request. A general statement

that there is an exchange of information is not what is recited in the claims. The claims explicitly recite a request or query for traffic information. Nimura does not teach or suggest a request or query. Since Nimura does not teach or suggest a request or query, Nimura does not anticipate the claims.

Each of the independent claims recites either a request or a query and thus is not anticipated for this reason. Specifically, claim 1 recites "requesting, through a mobile terminal, traffic information. . ." As explained above, this requesting is not taught or suggested by Nimura. Claim 20 recites "provide traffic information . . . after receiving a request from the user's mobile terminal. . ." As explained above, this request is not taught or suggested by Nimura. Claim 26 recites "receive a traffic information query from a user's cellular telephone. . ." As explained above, the exchange of information is not a query or a request. Claim 27 recites "query an associated traffic information database for traffic information." While Nimura does have the ATIS traffic information database, there is no teaching or suggestion that it is queried for information. Rather the beacon of Nimura just broadcasts the information independent of a query. As such, Nimura does not teach or suggest the claim element. Claim 32 recites "request via the mobile terminal traffic information. . ." As explained above, this request is not taught or suggested by Nimura. Claim 37 recites "request traffic information. . ." As explained above, this request is not taught or suggested by Nimura. Claim 41 recites "process traffic information received from the wireless communications network in response to the traffic information queries. . ." As explained above, these queries are not shown by Nimura. Claim 51 recites "in response to receiving traffic information queries from the given ones of the mobile terminals. . ." As explained above, the queries are not shown by Nimura.

Thus, each of the independent claims recites an element which is not taught or suggested by Nimura. Since Nimura does not teach or suggest a claim element, Nimura cannot anticipate the independent claims. Since Nimura cannot anticipate the independent claims, the rejection is improper.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. The Patent Office has not shown where in Nimura there are requests or queries for traffic information as recited the claims. Applicant requests withdrawal of the § 102 rejection of the claims at this time.

Respectfully submitted,

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